



UNITED STATES PATENT AND TRADEMARK OFFICE

un
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,849	09/24/2003	Nicholas F. Ciminello	FIS920030272US1	4387

23550 7590 02/22/2007
HOFFMAN WARNICK & D'ALESSANDRO, LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
----------	--------------

2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/669,849

Applicant(s)

CIMINELLO ET AL.

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5, 10, 11 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-9 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-9 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluegge et al. (USPN 5,583,797) in view of Fukushima (USPN 6,113,341).

Claims 1-2, 6-9 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fluegge et al. (USPN 5,583,797)

With regards to claim 1 Fluegge et al. (USPN 5,583,797) teaches a system for testing an traveling vehicle, the system comprising:

a rotatable bearing set for rotatably engaging a outside edge of a wheel of the traveling vehicle during testing; and (82; See figure 3)

a data collector for collecting data regarding an operation parameter of the traveling vehicle. (16; figure 1)

With regards to claim 2 Fluegge et al. (USPN 5,583,797) teaches the rotatable bearing set is mounted to a rail. (Figure 3)

With regards to claim 7-9, 14-15 and 18, Fluegge et al. (USPN 5,583,797) teaches a reflective section and the traveling vehicle includes an optical sensor for

Art Unit: 2863

interaction with the reflective section, and wherein the operation parameter includes a reading of the optical sensor. (Col. 2, lines 61-63)

With regards to claim 6 Fluegge et al. (USPN 5,583,797) teaches the data collector further comprises a data analyzer for analyzing the operation parameter of the traveling vehicle. (col. 4, lines 14-19)

With regards to claim 16 Fluegge et al. (USPN 5,583,797) teaches a method of calibrating an traveling vehicle, the method comprising:

supporting the traveling vehicle on a test fixture, in a stationary state, by rotatably supporting each wheel of the traveling vehicle with a rotatable bearing set including a pair of rotatable bearings; (see figure 3)

operating a portion of the traveling vehicle; (see figure 3) and adjusting a control of the traveling vehicle to calibrate the traveling vehicle. (col. 2, lines 41-45)

With regards to claim 17 Fluegge et al. (USPN 5,583,797) teaches the test fixture includes a rail substantially similar to that which the traveling vehicle is configured to operate on. (figure 3)

With regards to claim 19 Fluegge et al. (USPN 5,583,797) teaches the operating step includes driving each wheel with a respective servomotor, and the adjusting step includes adjusting at least one servomotor control. (Col. 3, lines 41-42)

With regards to claim 20 Fluegge et al. (USPN 5,583,797) teaches the adjusting step includes calibrating the traveling vehicle to have an operation parameter that substantially matches that of a replaced traveling vehicle. (col. 2, lines 41-45)

Fluegge et al. (USPN 5,583,797) does not appear to teach a overhead traveling vehicle that hangs.

Fukushima (USPN 6,113,341) teaches a overhead traveling vehicle that hangs.
(col. 3, liens 40-41)

It would've been obvious to one skilled in the art at the time of the invention to modify the Fluegge et al. (USPN 5,583,797) invention to have the overhead traveling vehicle hang in order to prevent collisions between the vehicle in the system and obstacles such as a person. (col. 1, lines 59-61)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 3-5, 10-11 and 13:

See office action mailed on 9/5/2006.

Claims 4-5 are allowed due to their dependency on claim 3

Claims 11 and 13 are allowed due to their dependency on claim 10

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Response to Arguments

Applicant's arguments with respect to claims 1-11 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aditya Bhat
February 16, 2007



John Barlow
Supervisory Patent Examiner
Technology Center 2800